

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 ABDUL HOWARD,

5 Plaintiff,

6 v.

7 BONNIE POLLEY, *et al.*,

8 Defendants.

Case No. 2:15-cv-1458-APG-VCF

**ORDER GRANTING MOTION FOR
DEFAULT JUDGMENT AGAINST
PEGGY MARTINEZ**

(ECF No. 23)

9
10 I previously granted in part plaintiff Abdul Howard's motion for default judgment against
11 defendant Peggy Martinez. ECF No. 27. I granted judgment as to liability, but deferred awarding
12 damages or injunctive relief until I held a hearing at which Mr. Howard could prove up his
13 damages and request for appropriate relief. I held that hearing on May 4, 2018.

14 Mr. Howard proved that he did not receive sufficient calories while he was observing
15 Ramadan in 2015, and that he suffered as a result. He offered exhibits (his personal grievance
16 forms) stating that he received approximately 1300 calories per day. *See* Hearing Exh. 1. He
17 contends the "state and federal guidelines is (sic) 2800 calories to (sic) day." *Id.* However, he
18 offers nothing to support those numbers, and the USDA recommends 2200 calories for a
19 sedentary male age 41-60.¹ No evidence was presented that the proper calorie amount could not
20 have been provided. Although Mr. Howard believes Ms. Martinez, as kitchen manager, has
21 sufficient authority to ensure he receives sufficient calories, no evidence was presented to confirm
22 or deny that allegation. I will enter an affirmative injunction ordering Ms. Martinez to provide
23 Mr. Howard sufficient calories during Ramadan 2018. It is unclear whether she has authority to
24

25
26 ¹ See U.S. Dep't of Agriculture, Estimated Calorie Needs per Day,
27 https://www.cnpp.usda.gov/sites/default/files/usda_food_patterns/EstimatedCalorieNeedsPerDayTable.pdf
28 (last accessed May 21, 2018). Presumably, Mr. Howard is sedentary (defined as "a lifestyle that includes only the light physical activity associated with typical day-to-day life") as he is in detention in the Clark County Detention Center.

1 make that happen. But if Mr. Howard believes she has violated my order, he can file a motion for
2 contempt. Accordingly, I enter the following award.

3 IT IS HEREBY ORDERED that Mr. Howard is awarded \$900.00 against defendant
4 Peggy Martinez for the damages Mr. Howard suffered when deprived of sufficient calories during
5 Ramadan 2015.

6 IT IS FURTHER ORDERED that Ms. Martinez shall, to the extent of her authority,
7 provide Mr. Howard with sufficient food for 2200 calories per day during Ramadan 2018.

8 DATED this 21st day of May, 2018.

9 

10 _____
11 ANDREW P. GORDON
12 UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28